

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEJANDRO ORTEGA,

Plaintiff,

-against-

2&5 LINE DELI GROCERY, INC. and AZIZ
SALEH ALZUBAIDI,

Defendants.

22-CV-09170 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

As discussed on the record with the parties at the status conference held on October 10, 2024, Plaintiff's unopposed Motion for Sanctions, Dkt. No. 55, is GRANTED in part and DENIED in part. Defendants' abject failure to properly engage in discovery and, crucially, to comply with the numerous Court orders in this case is inexcusable. Despite numerous and repeated opportunities, Defendants have continually ignored their obligations, causing undue delay and increasing the burden on Plaintiff and the Court. These actions amount to willful noncompliance and warrant sanctions under Federal Rule of Civil Procedure 37(b)(2)(A).

Plaintiff is therefore hereby AWARDED (1) attorney's fees for six hours of lawyer time, amounting to \$2,400.00; and (2) all costs associated with Defendant Alzubaidi's failure to appear at his previous deposition, including \$330.00 for interpreter services and \$150.00 for court reporter services; for a TOTAL AWARD of **\$2,880.00**. Given the record regarding noncompliance, the sanction is imposed with joint and several liability on both the Defendants and Defendants' counsel, Louis Chisari. Defendants or Mr. Chisari shall make the payment to counsel for Plaintiff by no later than **November 7, 2024**. The Clerk of Court is respectfully directed to terminate Dkt. No. 55.

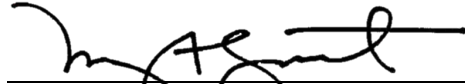
Furthermore, the Court has been informed by the parties that Defendant Alzubaidi's deposition has been rescheduled at the mutually agreed-upon date of **November 7, 2024 at 11:00 a.m.** and will be held at Plaintiff's counsel's office. Defendant Alzubaidi is hereby ORDERED to appear at the deposition at the aforementioned date, time, and location, and is notified that any failure to appear will result in additional sanctions.

The parties are further ORDERED to submit a joint status letter by no later than **November 14, 2024** confirming that the deposition went forward as scheduled and setting forth a

proposed schedule for post-discovery proceedings, such as summary judgment or trial.

Dated: October 11, 2024
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Margaret M. Garnett', written over a horizontal line.

MARGARET M. GARNETT
United States District Judge